

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
APRIL 15, 2004

_____ ACTION/DECISION

 X INFORMATION

- I. **TITLE:** Administrative and Consent Orders issued by Environmental Quality Control

- II. **SUBJECT:** Administrative and Consent Orders issued during the period January 1, 2004, through February 29, 2004.

- III. **FACTS:** For the period January 1, 2004, through February 29, 2004, Environmental Quality Control issued thirty-seven (37) Consent Orders with total assessed civil penalties in the amount of \$99,950.00. There were seven (7) Administrative Orders placed in force during this reporting period with total assessed civil penalties of \$110,715.00.

Unless otherwise specified, "Previous Orders" as listed in this report include the orders issued by Environmental Quality Control programs within the last five (5) years.

<u>Bureau</u>	<u>Administrative Orders</u>	<u>Assessed Penalties</u>	<u>Consent Orders</u>	<u>Assessed Penalties</u>
Land & Waste Management				
Hazardous Waste	0	\$ 0	0	\$ 0
Solid Waste	0	0	7	17,000
UST Program	5	45,715	2	0
SUBTOTAL	5	\$45,715	9	\$ 17,000
Water				
Drinking Water	2	\$65,000	13	\$ 24,850
Water Pollution	0	0	10	35,800
SUBTOTAL	2	\$65,000	23	\$ 60,650
Air Quality				
SUBTOTAL	0	\$ 0	5	\$ 22,300
TOTAL	7	\$110,715	37	\$ 99,950

ANALYSIS: During the reporting period, Solid Waste Enforcement issued five Consent Orders with civil penalties totaling \$2,500.00 against five separate Respondents for failing to submit their fiscal year 2002-2003 annual reports. The annual reports include information regarding the origin, types and amounts of waste disposed or recycled at the facilities during the reporting period. To date, four of the Respondents have submitted the annual reports as required by the orders.

Drinking Water Enforcement issued two Administrative Orders with civil penalties totaling \$65,000.00. One of the orders was issued against a well driller for failing to obtain certification, failing to properly construct wells, and failing to submit required records to the Department. The Respondent was ordered, in part, to cease installing wells until proper certification is received and to remediate the improperly installed wells. The second Administrative Order was issued against a convenience store owner for failure to comply with the State Primary Drinking Water Regulations and the Environmental Protection Fees Regulation. To date, neither of the Respondents has complied with the order requirements. The cases have been referred to the Department's legal office for further action.

Water Pollution Enforcement issued a Consent Order with a civil penalty of \$6,000.00 against a construction company for discharging sediment into a tributary that leads to Timm Creek. The Consent Order required the Respondent to obtain an NPDES storm water permit for the construction site. A Department assessment determined that the discharge had minimal impact on Timm Creek.

Of the thirty-seven (37) consent orders issued by EQC enforcement programs during the reporting period, the enforcement programs report, to date, that thirty-three (33) Respondents have either complied with all requirements of the orders or are currently in compliance with schedules required in those orders.

Submitted by:

Robert W. King, Jr., P.E.
Deputy Commissioner for Environmental Quality Control